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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,101	02/15/2001	Philip D. Mooney	MOONEY 66-22	4481

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EXAMINER

BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 07/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,101

Applicant(s)

MOONEY ET AL.

Examiner

William Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Examiner's Response

1. In response to the application filed 12/15/01, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-24 are unpatentable for the reasons set forth in this Office action:

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **“said charging circuit is permanently associated with a lock” in claim 5; “said key chain rechargeable device is a BLUETOOTH network device associated with a key and inserted in a lock device in order to charge the device” in claim 8; “said key chain rechargeable device is a pager associated with a key and inserted in a lock device in order to charge the device in claim 12”** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Claims 8 and 12 are objected to because of the following informalities: There is no structures in the specification to support the claimed BLUETOOTH network device and/or pager associated with a key and inserted in a lock device in order to charge the device or pager. It is merely exemplary {paragraph bridging cols. 4 and 5}. Unless there exist miniaturized pagers or BLUETOOTH network devices that will fit into a key, the claim lacks the structural support in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "**said securing structure**" in page 13, lines 11-12. There is insufficient antecedent basis for this limitation in the claim. Should be "said key securing structure" so as not to be confused with other securing structures in the key chain.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-7, 9-10, 14-17, 19, 21-22, and 24, are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,561,331 (Suyama et al).

In claim 1, Suyama et al teach of a key chain rechargeable device (figures 1-13), comprising:

key securing structure {col. 2, lines 45-51; col. 4, lines 57-63; col. 9, lines 30-37; col. 10, lines 47-62};

an electronic device (2, 4, 12, 13, 23, 53, 56, 56a) associated with said key securing structure {paragraph bridging cols. 1 and 2; paragraph bridging cols. 4 and 5}; and

a rechargeable battery source (3) to power said electronic device (2, 4, 12, 13, 23, 53, 56, 56a) {col. 1, lines 43-51};

wherein said key chain rechargeable device (1, 11, 21, 51, 151, 251) is recharged from an external power source when a key (9, 63) associated with said securing structure is inserted in a lock device {col. 1, line 26-col. 2, line 15; paragraph bridging cols. 7 and 8; col. 8, lines 20-25; col. 10, lines 15-21}.

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In claim 2, the key chain rechargeable device according to claim 1, wherein: said key securing structure is a dummy key hole as shown in figures 1, 2, 6-7, 8B and 10.

In claim 3, the key chain rechargeable device according to claim 1, further comprising: a charging circuit (2, 92) in said electronic device, said charging circuit (2, 92) adapted for electrical contact with a key secured by said key securing structure {col. 1, lines 43-52}.

In claim 4, the key chain rechargeable device according to claim 3, wherein: said charging circuit (2) is permanently associated with said key chain rechargeable device as shown in figures 1, 11-13.

In claim 5, the key chain rechargeable device according to claim 3, wherein: said charging circuit (92) is permanently associated with said lock (93) {col. 6, lines 21-30}.

In claim 6, the key chain rechargeable device according to claim 1, wherein: said external power source is a vehicle's electrical system {col. 1, lines 43-52}.

In claim 7, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a wireless RF device {col. 5, lines 32-37; col. 7, lines 12-25}.

In claim 9, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a security alarm enable/disable device {paragraph bridging cols. 6 and 7; col. 7, lines 34-42}.

In claim 10, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a keyless entry remote {col. 4, lines 50-56; col. 8, line 64-col. 9, line 14}.

In claim 14, the key chain rechargeable device according to claim 1, further comprising: at least one electrical conductor on a key secured to said key securing structure {col. 1, lines 62-67; col. 2, lines 7-15}.

In claim 15, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is recharged from said external power source only when said key associated with said securing structure is inserted in said lock device {col. 2, lines 52-62; paragraph bridging cols. 4 and 5}.

In claims 16 and 17, a vehicle ignition assembly, comprising:
a lock device {col. 4, lines 50-54; col. 6, lines 21-30};
a vehicle ignition switch connected to said lock device {col. 4, lines 50-54; col. 6, lines 21-30}; and

at least two electrical charging connections associated with said lock device and adapted to provide opposite polarity contacts to a key inserted in said lock device {col. 1, lines 43-51; col. 5, lines 10-14; col. 6, lines 21-26}.

Claims 19 and 21 recites a method of practicing the device of claims 1, 16 and 17, and therefore rejected for the same reasons.

Claims 22 and 24 recites the combination of claims 1, 16 and 17, and therefore rejected for the same reasons.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,561,331 (Suyama et al) in view of US 6,323,775 (Hansson).

In claim 8, Suyama et al does not disclose **“said key chain rechargeable device is a BLUETOOTH network device”**. Hansson, in the same problem solving area (battery chargers), teach of notifying Bluetooth device users to charge the device when it is close to a charging unit for the device {col. 2, lines 1-18; col. 10, lines 60-65}. Hansson suggests that this is desirable to avoid getting a low battery notification when the user is located away from the charging unit, such as while the user is traveling, and avoid depleting the battery in the device. {col. 2, lines 1-4}. Obviously, this feature is desirable in the system of Suyama et al because the rechargeable devices of Suyama et al would always be charged and ensure proper use of the devices. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to

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notify Bluetooth device users to charge the device when it is close to a charging unit for the device, to avoid depleting the battery in the device while the user is away from the charging unit.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,561,331 (Suyama et al) in view of US 3,855,534 (Holcomb et al).

In claim 11, Suyama et al does not disclose "said key chain rechargeable device is a penlight device". Holcomb et al, in the same problem solving area (extending battery life of a portable radio transmitter) teach of a special clip to include rechargeable batteries such as penlight cells {Holcomb et al, col. 1, lines 3-11}. Holcomb et al suggests that such a clip is desirable in that it can utilize different types of batteries {col. 1, lines 21-29}. Obviously, this feature is desirable in the system of Suyama et al because it can utilize different types of batteries. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use a special clip to include rechargeable batteries such as penlight cells in the system of Suyama et al, as taught by Holcomb et al, because this allows the system of Suyama et al to utilized different types of battery cells.

12. Claims 12-13, 18, 20, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,561,331 (Suyama et al) in view of US 6,184,651 (Fernandez et al).

In claim 12, Suyama et al does not disclose "**said key chain rechargeable device is a pager**" and in claims 13, 18, 20, and 23, Suyama et al does not disclose

inductive charging of a rechargeable device. Fernandez et al teach that contactless inductive charging of portable devices, including pagers, is desirable because it is a convenient way to recharge a portable device without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a unit that has been charged {col. 1, lines 13-33}. Obviously, charging a pager inductively is desirable in the system of Suyama et al because this provides a user to charge the pager without having to pull a plug and provides the user the ability to quickly use a pager that has been charged. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to charge a pager inductively in the system of Suyama et al because this provides a user to charge the pager without having to pull a plug and provides the user the ability to quickly use a pager that has been charged, as taught by Fernandez et al.

Examiner Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314

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for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

July 2, 2003

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